

Evening Bulletin

With which is Incorporated the "Independent."

VOL. 1. NO. 122.

HONOLULU, H. I., WEDNESDAY, OCTOBER 9, 1895.

PRICE 5 CENTS.

THE Evening Bulletin

With which is incorporated the INDEPENDENT.

Hawaiian Copyright by A. V. GEAR, June 22, 1895.

Published every day except Sunday at 609 King Street, Honolulu, H. I.

SUBSCRIPTION RATES.

Per Month, anywhere in the Hawaiian Islands, \$ 75

Per Year, postpaid to America, Canada, or Mexico, 8 00

Per Year, postpaid, other Foreign Countries, 10 00

Payable in Advance.

Advertisements unaccompanied by specific instructions inserted till ordered out.

Advertisements discontinued before expiration of specified period will be charged as if continued for full term.

Liberal allowance on yearly and half yearly contracts.

Address all communications to the editorial department to "Editor Bulletin."

Business letters should be addressed to "Manager Evening Bulletin."

Telephone 236. P. O. Box 89.

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RHEUMATISM AND PILES CURED BY AYER'S SARSAPARILLA.

Mr. W. J. JENNINGS, Adelaide, S. A., formerly of Hawthorn, near Melbourne, Vic., writes:

"For the past 3 or 4 years, I have been a great sufferer from rheumatism and piles. I tried all sorts of medicines, but derived no good from them. I changed to read one of your books and thought I would give your Sarsaparilla a trial. I did so, and after



taking one bottle I felt better, and after taking 4 bottles I was a new man. I was sorry I never took it before, for it would have saved me very much pain."

Ayer's Sarsaparilla

Has cured others, will cure you.

Made by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

Hollister Drug Co., Ltd.

Sole Agents for the Republic of Hawaii.

Short Talks.

TO HAVE BORROWED SAY \$3,000, from the P. E. & L. Association, at their last meeting, would have cost you \$3.50 per month, for say, 10 years, a total of \$4,500 - 3,000 when your mortgage would be cancelled, \$1,500 - \$1,500 interest in 10 years, or \$150 interest in 1 year, \$150 = 5 percent on \$3,000.

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FORT STREET,

next to Lucas' Mill

Ships' Blacksmithing

Carriage Building

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Wagon Building

WINDLASSES

For PULLING UP Trees

A SPECIALTY

IN THE HIGHER COURTS.

PROCEEDINGS STAYED IN THE McGREW INSURANCE CASE.

Replevin Suit Remanded to Hamakua Circuit—Bankruptcy Claims are Proved.

Nine creditors of L. D. Timmons proved claims aggregating \$807.47, before Judge Whiting, and George Rodick was elected assignee under \$500 bond.

The Supreme Court has rendered a decision in Emele vs. Charles Williams, administrator, remanding the case to the Fourth Circuit Court, Hamakua, for further proceedings. District Magistrate Edwin Thomas in the first instance decided in favor of plaintiff, ordering defendant as administrator of the estate of Haaleleo to turn over to plaintiff four mares and nine horses, and to pay \$5 costs of court but no damages. Circuit Judge Austin, on hearing the case on appeal, sustained a plea in bar, and then an appeal was taken to the Supreme Court, with the above mentioned result. Kinney for plaintiff; C. Brown for defendant.

The syllabus of decision is as follows: "A complaint in replevin alleged that certain horses, the property of the plaintiff, had been wrongfully and contrary to the rights of the plaintiff taken possession of and withheld from the plaintiff by the administrator. A claim for restitution of the horses had been presented to the administrator, which he rejected. Suit was not brought to enforce said claim within two months from the rejection. Held, that the statute limiting the time within which suits must be brought against administrators (Compiled Laws, pp. 396-7) does not apply."

Chief Justice Judd on Saturday delivered orally the decision of the Supreme Court on the motion for rehearing in the case of J. O. Carter, administrator of the late Henri G. McGrew, vs. Mutual Life Insurance Company. Cecil Brown, barrister, sat to hear the case with the Chief Justice and Justice Frear, in place of Justice Beckett, absent from illness. The transcribed report of the stenographer has now been filed and is as follows:

"Mr. Thurston for the defendant company presented a motion for a rehearing of this case, alleging error in the decision filed August 12th, 1895. Messrs. Carter & Kinney for the plaintiff objected to the court's entertaining this motion because the case had been sent back to the Circuit Court for further proceedings and that Court had ordered judgment for the plaintiff, which had been entered. The cause is not at present in the Supreme Court.

"It is the last day of this term, and therefore it is essential that this question of practice should be decided now. It is a difficult question now, more especially because it is new. We have heard the views of counsel upon it, and the best conclusion at which we can arrive is that there may be cases where a question that is reserved comes to this Court, where it can be reconsidered upon motion and a review granted without the production of any other papers than those which legitimately belong to this Court; that is, the reserved question and the decision. I think there is some doubt as to whether briefs are really a part of the record.

"Now without committing ourselves to the proposition, that in every case where the questions have been reserved to this Court the cause—that is, the action it—

self—and the further proceedings of the Circuit Court must be brought into this Court, it seems to us that in the case before us, on a hasty review of our decision, more especially with reference to the divorce proceedings, it is essential certainly to the defendant now asking for review that the cause be here. Now as to whether it can be brought here by motion supported by affidavit is a difficult question.

"I have looked over the Writ of Error Act and that does not apply, because the exceptions from the Supreme Court to the Supreme Court are expressly disallowed. It does not seem that certiorari would reach this case either, because it would be absurd to treat a decision of the Circuit Court as a nullity where it is in conformity with our decision.

"How can it be reached? We must concede that for the purposes of this motion the Court committed an error in its former decision. Now there must be some way in which the attention of the Court can be drawn to that question whether we have committed an error or not, and so we think that in this case the cause may be brought to this Court by a motion which sets out the facts supported by affidavit.

"You can see that if we concede Mr. Thurston's bald proposition that any cause that the Court has decided is subject to review, it would enable any one of these cases in these volumes of our Reports to be brought up. In cases of this nature there is very largely the question of laches and as to what the status of the case is. If the judgment had been paid in this case that would be the end of it. I doubt very much if the Court would review a decision which has been pursued to the end and judgment satisfied. In other words, so far as this action is concerned, we would have to have judicial knowledge of not only the cause of action, but the exhibits that were produced, and more especially the results that were reached in the Circuit Court in order to do justice.

"We think it would be proper for a motion supported by affidavit to be made, asking that the cause be sent back to this Court, of which counsel would have to have notice."

In accordance with the foregoing decision Mr. Thurston for the defendant made the required motion, which has been granted in an order of the Supreme Court to the Circuit Court, to remand the cause to the former, also for a stay of proceedings. The grounds of Mr. Thurston's motion for rehearing were reported in this paper several days ago.

The old case of Woodlawn Dairy and Stock Company and others vs. Kalamakai and others is supposed to end with a decree of partition by Judge Whiting now filed.

Leprosy at Cleveland.

The local doctors of Cleveland, Ohio, are much interested in what they believe to be a case of leprosy, which has been found in that city. The victim is Marie Carlson, 16 years old. During the last few years all the small toes have disappeared from her left foot, and there are other symptoms which some of the doctors claim to have recognized as having been noticed by them in cases of leprosy in China and Japan.

FITS CURED

(From U. S. Journal of Medicine.)

Prof. W. H. Peck, who makes a specialty of Epilepsy, has without doubt treated and cured more cases than any living Physician; his success is astonishing. We have heard of cases of 20 years' standing cured by him. He publishes a valuable book on this disease which he sends with a large bottle of his absolute cure, free to any sufferer who may send their P. O. and Express address. We advise anyone wishing a cure to address, Prof. W. H. PECK, P. O. 4 Cedar St., New York.

THIS PAPER is kept on file at E. C. DAKES' Advertising Agency, 64 and 65 Merchants' Exchange, San Francisco, California, where contracts for advertising can be made for it.

A CHINESE TALE OF WOE.

HOW THE SANITARY INSPECTORS TREATED AH LEONG.

They Threw Out His Bananas, Pumpkins and Potatoes in the Search for Microbes.

It looked as if Judge Perry and his handsome clerk would have an easy time of it this morning, when the Court opened and it was seen there were only ten or twelve cases for trial. But they were doomed to disappointment and came near missing their dinners, as will be seen before this little story is finished.

Mr. Sasaki was called up to answer to the charge of being found in the dwelling house of one of his countrymen named K. Shima in the night time without having any lawful excuse therefor. He pleaded not guilty and got his trial postponed until the 15th.

Three drunks paid the usual assessment and went their several ways, after cooling their fevered brows and heels all night in the department over which Jailor Evans presides with grace and dignity.

Hoopii is a young Hawaiian who is somewhat mixed in his mind as to the relationship existing between the words mine and thine. He pleaded guilty of entering the room of S. Anno and appropriating a scarf pin valued at 50 cents, together with a fifteen-dollar silver watch. The pin was a gorgeous affair and its natural brilliancy attracted the eye of a policeman who was looking for the young offender. Graphically, if not classically speaking, Hoopii got it in the neck when Judge Perry announced that two years in the Reform School would be the best thing for him.

Pahia is accused of assault and battery on H. Kamana, but he thinks his trial will result in a decision of not guilty. He has hired J. K. Kaula to look after his interest when it comes off later on.

Robert N. Boyd, Andrew McCabe and Joe Correia were placed on trial for malicious injury having taken the precaution to secure the legal services of Lawyer Kinney. Marshal Brown, assisted by George de la Vergne, conducted the prosecution in person. The complaining witness, a Puna valley Chinese who raises bananas and garden stuff for a living, testified that on September 23d last, which will long be remembered as the wind-up of the work of cleaning up the city and environs under the direction of the Sanitary Committee, the defendants came to his house and represented they were sanitary inspectors under the high and mighty authority of the Board of Health, and commanded that he should forthwith proceed to put everything in the house out in the sun. He did this and although it was raining at the time and there was no sun he says he never uttered a murmur. He claims that Boyd asked him for some samshu and that he said he had none, whereupon the inspector demanded the sum of three dollars. Ah Leong had no money, at least he says so, and could not yield up. He then went on to say that the inspectors became incensed and threw out everything in the house, as much as ten or twenty feet away, and more especially eight bunches of bananas, one pumpkin and some potatoes, and left. The complainant says he gathered up the remains but only two bunches of the fruit was fit for consumption while the pumpkin got off with a few bruises. He did not say anything about the potatoes but some of them probably had black eyes. Mr. Leong interviewed the marshal and having come to the conclusion that

he was wilfully, unlawfully, maliciously and otherwise damaged swore to the complaint to that effect and the arrest followed.

For the defense Mr. Boyd swore positively that he never made any demand for the money or samshu, but that on the contrary the Chinese had produced a bottle without solicitation and out of the native goodness of the Celestial heart, and that all hands smiled thereon and thereof. It was considered that the bananas and pie fruit might harbor microbes and they were ordered to be placed in the sun for two hours according to instructions. Instead of being thrown out they were handled very carefully by the Chinese themselves.

There were three Chinese testifying for the prosecution against the three defendants and the argument resolved itself into the merits and demerits of Chinese evidence, but when Marshal Brown attempted to interpolate some outside evidence about Mr. Boyd, attorney Kinney promptly objected and a somewhat heated spat ensued between the Marshal and attorney, which was much enjoyed by the few spectators present.

Judge Perry thought the prosecution had not made out its case by a preponderance of testimony and gave the defendants the benefit of the doubt and discharged them from custody.

COMMITTED TO THE ASYLUM.

Samuel N. Emerson is Adjudged to be an Insane Person.

At this morning's session of the District Court, Samuel N. Emerson, an American by birth, aged 70 years, was adjudged insane and committed to the Asylum. He is a brother of Dr. N. B. Joseph and Oliver Emerson.

J. A. Magoon testified that he had known Mr. Emerson since 1878, during which time he had managed his affairs for him. He did not consider that he was mentally competent to take care of himself and thought that he ought to be confined in the asylum, both for his own safety and that of the community.

Dr. George Herbert testified that he had known the patient a long time and that he was afflicted with chronic mania. About a month ago he became violent and had to be put under restraint. That attack had yielded to treatment but it was subject to recurrence at any time. He considered it dangerous for him to be allowed at large. Since his last attack Mr. Emerson has become imbued with the idea that the cholera is after him, and he spends all his time searching for microbes.

The Land Commission.

The new Land Commission, organized under the new Land Act, are getting ready for business, and will hold their first meeting in a few days, when sub-agents will most likely be appointed for the other islands. The Commission will use the offices of the Crown Land Commissioners jointly.

EXTINGUISHING FIRES. One of the old school readers furnishes some excellent fire rules which run thusly. Yell as much as possible, throw all minors and chinaware out of the windows, persons below will receive them upon their heads, wrap the coal scuttle up in a blanket and lower it carefully to the ground, place the tongs astride of your shoulder and carry them gently down stairs, get excited. When the hubbub has ceased go to Brown & Kubey's and they will replace your missing jewelry and cutlery at reasonable prices.

DANGER FROM DREDDINGS.

NOTE OF WARNING GIVEN TO THE GOVERNMENT.

Sewage of Years to be Dumped in a Populous Quarter of the City.

EDITOR BULLETIN:—In a late issue of your paper the public are informed that it is the intention of the Government to carry out certain improvements along Nuuanu stream, such as dredging out the stream and filling in the low lands with the festering ooze raised by the dredger. Whilst it is in order to make some improvements in that quarter, in the light of recent events, this action of the Government seems incomprehensible, knowing the feeling of the community, at least a vast majority believe that the dredging operations were the principal cause of most of the cholera—and looking into the matter from a non professional, commonsense standpoint, there are good grounds for holding that opinion.

As a matter of information I would like to ask what would be the effect on the general health of this community if all the sewage of the city were forced with an enormous pressure through one pipe, and squirted from the mouth of it into the very heart of the city. Would a few handfuls of disinfectants purify the atmosphere? Would any amount of disinfectants have the least effect on the poisonous miasma that would float around such a pestilential hole? I think not. And yet the stuff that will issue from the dredger's pipe will not be one bit cleaner than city sewage. The fishmarket was burned down, if being concealed by one and all that it was a standing menace to public health. And now the dredger is about to pump up the refuse from the market, the accumulated rottenness of years, and to spread it over the most thickly populated part of the city. Perhaps the object is to make the people more appreciate the smell of flowers that are to grow on that land when the dredger completes the job. If the government are not in a position to get that work done in any other way, better to wait until such time as they are, and in the meantime, if the dredger must work, let her pump to outlying swamps the same as is done in all civilized countries.

NEMO.

Cruelty to Hogs.

If the police were interested in stopping cruelty to animals they would put a stop to the way in which pigs are loaded into drays at the wharf and then carried to the slaughter houses. A dray was driven through town this morning laden with live hogs, whose feet were tied and who were lying on top of each other three and four deep. This mode of carriage ought to have the effect of making the meat tender, if nothing worse.

L. B. Kerr has received by the Australia a new line of Scotch gingham, white and cream crepons and white cotton duck for ladies' and children's dresses.

Did You Ever Think

That you cannot be well unless you have pure, rich blood? If you are weak, tired, languid and all run down, it is because your blood is impoverished and lacks vitality. These troubles may be overcome by Hood's Sarsaparilla because Hood's Sarsaparilla makes pure, rich blood. It is, in truth, the great blood purifier.

Hood's Pills cure liver ills, sick headache, constipation, biliousness, jaundice, sick heart, ache, indigestion.

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